



September 20, 2011

John Laird, California Secretary for Natural Resources  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
secretary@resources.ca.gov

Dear Secretary Laird:

We are writing to bring to your attention the fact that the California Department of Forestry (Cal Fire) is in violation of its statutory requirements to utilize an interdisciplinary approach to its decisionmaking and to consult with the California Department of Fish and Game (DFG) in approving timber harvest plans (THPs) and non-industrial timber management plans (NTMPs). As such, California's timber harvest program no longer qualifies for certification under the California Environmental Quality Act (CEQA).

Over the past year, a significant and unfortunate change has occurred in Cal Fire's process of approving timber harvest. In October of 2010, former Governor Schwarzenegger used a line-item veto of the state budget bill to eliminate essential funding for the Department of Fish and Game's oversight of timber harvest. Until then, DFG was actively engaged with assessing the impacts of logging on California's wildlife throughout the state, especially rare species like the coho salmon, marbled murrelet, great grey owl, Pacific fisher, and red-legged frog. These cuts have resulted in lost funding for the majority of DFG's timber harvest review positions (16 out of 25), and DFG has noted that there have even been "significant staffing reductions" for timber harvest review in offices that oversee coho salmon conservation (DFG Regions 1 and 3).<sup>1</sup>

For the past nine months, conservation organizations and the legislature worked to find a solution to the funding problem, *and did*, as part of the 2011 Budget Bill. However, in June of this year, Governor Brown vetoed that budget provision, stating a general concern that authorizing it would put other funds at risk.<sup>2</sup> We appreciate the Governor's concern, but can find no basis for that position, as we have expressed to the Governor in a letter asking for the legal

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<sup>1</sup> See Letter from DFG Director dated January 12, 2011 (attached as Exhibit A)

<sup>2</sup> "I am also deleting Provisions 1 through 3, which directs funding from the Hatchery and Inland Fisheries Fund for timber harvest plan review, state forestry nurseries, and the Heritage and Wild Trout Program. Federal law prohibits hunting and fishing license revenue from being diverted for other purposes. Consequently, these provisions could put federal funds at risk, potentially resulting in a loss of approximately \$30 million."

basis for that interpretation.<sup>3</sup> Regardless, as explained below, there is both a legal and environmental imperative to immediately restore DFG's ability to review all THPs.

Timber harvest in California is governed, in part, by the California Public Resources Code, and the review process has been authorized as a "certified regulatory program" pursuant to section 21080.5 of the Resources Code, which exempts commercial timber harvesting from the environmental impact report (EIR) requirements of CEQA. *See* Cal. Code Regs., tit. 14, § 15251. Section 21080.5(d)(2)(C) explains that to "qualify for certification . . . a regulatory program shall require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decisionmaking and that shall meet all of the following criteria: . . . Require the administering agency to consult with all public agencies that have jurisdiction, by law, with respect to the proposed activity."

Section 21080.5(f) of the Resources Code states that

*after a regulatory program has been certified . . . a proposed change in the program that could affect compliance with the qualifications for certification specified in subdivision (d) may be submitted to the Secretary of the Resources Agency for review and comment. The scope of the secretary's review shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). . . . The secretary shall have 30 days from the date of receipt of the proposed change to notify the state agency whether the proposed change will alter the regulatory program so that it no longer meets the qualification for certification established in this section and will result in a withdrawal of certification as provided in this section.*

Due to the lack of funding, the Department of Fish and Game is no longer engaged in reviewing a substantial number of THPs. As noted by DFG itself,

*The \$1.5 million reduction will require DFG to prioritize activities with the remaining funds in the THP program. As a result, DFG will eliminate participation in timber related activities in the Sierra and reduce our participation by more than half in other areas of northern California, leaving a small program on the California's north coast. Activities that will be eliminated include field and desk reviews of timber harvest plans to identify potential impacts*

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<sup>3</sup> The budget provision in the 2011 Budget Bill redirected funding from the surplus Hatchery and Inland Fisheries Fund (HIFF). DFG initially asserted that use of HIFF funds would put other federal funds that DFG receives at risk, but then provided no information to support that claim. Presumably, their concern was based on the previous experience with the proposal by Gov. Schwarzenegger's administration two years ago to divert hunting and fishing license revenue to the General Fund, which is prohibited by federal law. That is why the U.S. Fish and Wildlife Service sent the Department a letter in 2009 (attached as Exhibit B) explaining that license funds must only be used for tasks that are *within* DFG's jurisdiction – the General Fund, for obvious reasons, does not meet that standard. In this situation, however, the federal regulations make very clear that using HIFF funds for timber harvest review is appropriate because the HIFF Funds would not be going to the General Fund at all and would instead be used for the very purpose that the federal regulations promote – "manag[ing] the agency and the fish- and wildlife-related resources for which the agency has authority under State law." 50 CFR 80.10 (attached as Exhibit C).

*to fish and wildlife and water quality, threatened and endangered species consultations, and coordination with CDF and the Board of Forestry.*<sup>4</sup>

The loss of funding for DFG review of THPs means that Cal Fire can no longer ensure that it will “consult with all public agencies that have jurisdiction, by law, with respect to the proposed activity.” Under California law, DFG, and no other agency, “has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.” Fish & Game Code, § 1802. Similarly, as stated in section 711.7(a) of the Fish & Game Code, “the fish and wildlife resources are held in trust for the people of the state by and through the [DFG].” It is axiomatic that absent DFG’s participation in the THP review process, these jurisdictional and public trust obligations will go unfulfilled. Moreover, it is important to keep in mind that DFG is the only state agency that can authorize the take of state listed endangered or threatened species. Fish & Game Code, § 2050 *et seq.*

Equally important, the inability of Cal Fire to consult with DFG on the vast majority of THPs means that Cal Fire’s certified regulatory program is no longer the “functional equivalent” of a CEQA analysis. *See* Pub. Resources Code, § 21080.5(d).<sup>5</sup> Likewise, DFG’s absence means that Cal Fire is no longer complying with section 1037.4 of the Forest Practice Rules which states that the “[Cal Fire] Director shall insure that an interdisciplinary review team [including DFG] has had an opportunity to review each plan.” It is not possible for DFG to review THPs unless DFG has the funding to do so. In fact, DFG staff have been explicitly removed from THP consultation in light of the funding issue.<sup>6</sup> Consequently, until funding is restored for review of THPs by DFG, Cal Fire cannot meet its timber harvest review obligations under the law.

Lack of DFG review of timber harvest also violates Fish & Game Code section 1015 which mandates that the Department “determine the extent to which salmon and steelhead resources will be protected from damage by [a THP], together with the extent to which the agency or person preparing the [THP] has incorporated therein plans for increasing the salmon or steelhead resources of this state . . . .” As noted in Legislative Counsel Opinion 17377 dated May 6, 1996, “When a [THP] is transmitted to the [DFG] . . . the [DFG] is required to determine the extent to which salmon and steelhead resources will be protected from damage by the timber operations.”

Finally, under section 3400 of the Fish & Game Code, “it is the policy of the state actively to ensure the improvement of wildlife habitat on private land in order to encourage the propagation, utilization, and conservation of fish and wildlife resources on those lands.” For that policy to be implemented, DFG must be actively engaged in THP review.

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<sup>4</sup> DFG email from Gabe Tiffany to Kealii Bright dated October 14, 2010 (attached as Exhibit D)

<sup>5</sup> Section 15251 of the CEQA Guidelines lists the programs which have been certified as meeting the requirements in Section 21080.5 of the Public Resources Code. Certification of a program formally recognizes that an environmental analysis undertaken in compliance with the certified program is the functional equivalent of a CEQA analysis. *See* <http://ceres.ca.gov/ceqa/guidelines/art17.html>.

<sup>6</sup> *See* Exhibits E and F (showing DFG participation on Sierra Nevada THPs prior to October 2010 and lack thereof post October 2010)

The loss of DFG participation from the timber harvest review process cannot be overstated – DFG staff possess the statutory directive, and conservation mandate, that is necessary to ensure that California’s biodiversity is protected, especially its rare and endangered wildlife. This is why, as explained in the Public Resources Code, section 21080.5(d), the guiding principle behind a certified regulatory program is that it “require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decisionmaking.”<sup>7</sup>

We hope it is clear that this is a serious issue. For instance, forest clearcutting is still widespread in California and is practiced most heavily in the Sierra Nevada region, the very area in which DFG “*eliminate[d] participation in timber related activities.*” In other words, in the places where oversight of our public trust wildlife resources is most needed, it is now entirely absent. Moreover, DFG oversight is necessary in general because foresters and ecologists examine forest health from very different perspectives. For example, even Cal Fire has admitted that “the wide spread use of clearcutting across the state of California has not been analyzed to a level that has determined what the effects this fragmentation has on the overall health of the state’s wildlife.” DFG oversight is needed to accomplish that.

Given the current state of Cal Fire’s THP program, we must request that you, Secretary Laird, find that Cal Fire’s THP program does not meet the requirements of subdivision (d) of section 21080.5 of the Public Resources Code, and notify Cal Fire within 30 days that the THP review program no longer qualifies for certification. The absence of DFG from the timber harvest review process inescapably means that it is not possible for Cal Fire to utilize an interdisciplinary approach to its decisionmaking, or to consult with DFG, as is mandated by Public Resources Code section 21080.5. Until funding is restored that ensures DFG review of THPs, Cal Fire’s THP program will be in violation of its statutory requirements, and DFG will be unable to fulfill its own statutory mandates. We look forward to hearing from you and to working with you to find a solution in the very near future. Thank you for your attention to this important matter.

Sincerely,



Justin Augustine,  
on behalf of the Center for Biological Diversity, Sierra Club California, Forests Forever,  
California Sportfishing Protection Alliance, Defenders of Wildlife, Environmental Protection  
Information Center, Ebbetts Pass Forestwatch, Central Sierra Environmental Resource Center,  
Central Coast Forest Watch, and the Northern California Council, Federation of Fly Fishers

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<sup>7</sup> As noted on their website regarding THP oversight, “*The Department of Fish and Game . . . evaluates, identifies and mitigates biological resource risks associated with timber harvesting on private timberlands. We develop effective strategies to protect Trustee Resources through collaboration and programmatic landscape level approaches...The legal authority and mandates for DFG’s participation in the timber harvesting review process comes from the Fish and Game Code, the California Forest Practice Act and California Forest Practice Rules, and the California Environmental Quality Act.*”

(See, e.g. <https://r1.dfg.ca.gov/Portal/Default.aspx?alias=r1.dfg.ca.gov/Portal/itp>)

Cc:

Office of Governor Edmund G. Brown Jr.  
State Capitol  
Sacramento, CA 95814

Charlton H. Bonham, DFG Director  
1416 Ninth Street, 12th Floor  
Sacramento, CA 95814  
Director@dfg.ca.gov

Ken Pimlott, Director, California Department of Forestry and Fire Protection  
1416 Ninth Street, Suite 1505  
Sacramento, CA 94244

# EXHIBIT A



State of California -The Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
1416 9<sup>th</sup> Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
<http://www.dfg.ca.gov>

EDMUND G. BROWN, JR., Governor  
JOHN McCAMMAN, Director



January 12, 2011

Mr. Greg Suba  
Conservation Program Director  
California Native Plant Society  
2707 K Street, Suite 1  
Sacramento, CA 95816-5113

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Dear Mr. Suba:

Thank you for your letter dated December 2, 2010 inquiring about the status of the Department of Fish and Game's (Department) Timber Harvest Plan Review Program (Program). This Program was recently significantly reduced due to a \$1.5 million reduction in general funding in the 2010/2011 State budget.

You asked for specific information regarding the number and sources of funding for remaining Program staff; how the Department will use remaining Program resources; how the Program reduction will affect the number of timber harvest plans (THP) reviewed; the amount of lost Program expertise; and whether the Department will pursue an adjustment in environmental filing fees received under AB 3158 to more fully cover the costs of the Program.

The Department had 25 staff in the Program dedicated to THP review, including terrestrial wildlife, aquatic, and plant biologists, and a headquarters Board of Forestry liaison/program coordinator. The reduction in funding resulted in the elimination of the Program from the North Central Region (Region 2) and Central Region (Region 4), and significant staffing reductions occurred in the Northern Region (Region 1) and Central Coast Region (Region 3). A total of 16 positions lost funding. Staff whose positions lost funding were reassigned to other vacancies in the Department to do other, nonforestry work. In regards to experience and training lost to the Program from these reassignments, some staff had less than three years experience with the Program, while some staff had over two decades of experience representing over 80 years of cumulative experience.

Currently, the Program consists of nine Personnel Years (PYs), eight in Region 1 and one in Region 3. In Region 1, 3 ½ PYs are located on the coast and 4 ½ are in the interior. Currently only one position is funded from Fish and Game Preservation Fund revenues, which includes AB 3158 environmental filing fees. Two positions are funded by the Environmental License Plate Fund, two from Lake and Streambed fees, and four positions are funded from General Fund.

With greatly reduced staffing, the Department's priority will be review of THPs in watersheds with listed anadromous salmonids under the Anadromous Salmonid Protection Rules. Regions 1 and 3 will continue to coordinate with California Department of Forestry and Fire Protection and other review team agencies on refining implementation of these rules in the field.

The Department's Program was fully staffed with the addition of Region 2 in 2006; therefore, we have provided data since that year to give a more accurate picture of the number of plans reviewed. Since October when the Program reduction occurred, some Non-Industrial Timber Management Plans (NTMPs) in Region 1 have not received detailed review due to lack of staff. At this time, the market for timber products is still depressed and the number of THPs submitted for review is still low compared to previous years under better market conditions. However, THPs contain more acreage than in years past, which makes plan review more time consuming and more complex. When market conditions improve, the Department anticipates that the number of plans will increase, which will mean that more plans in Regions 1 and 3 may not be fully reviewed due to staffing constraints. The table below lists the number of THPs and NTMPs the Department reviewed from 2006 to 2010.

Calendar Year	Number of THPs and NTMPs Reviewed
2006	553
2007	514
2008	404
2009	278
2010*	209

\*estimate through 11/30/10

As mentioned above, the Department also lost funding for the headquarters position that was responsible for Program coordination and was the Department's liaison to the Board of Forestry and Fire Protection (Board). As a result we no longer have a liaison to participate in Board committees; some of the work of this position may be shifted to staff in Region 1 and Region 3 as time and resources allow.

Lastly, you had a question about adjustments to filing fees. AB 3158 was enacted in 1990 and required the collection of environmental filing fees to defray the Department's costs of managing and protecting fish and wildlife resources, consulting with other agencies, reviewing environmental documents and assisting in the formulation of mitigation and monitoring measures (Fish and Game Code Section 711.4). The environmental filing fees were increased on January 1, 2007 with the passage of SB 1535. This bill also required the Department to adjust the environmental filing fees annually according to Fish and Game Code Section 713. This annual adjustment is made based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the US Department of Commerce. The Legislature, not the Department has the authority to increase the base fees for the program.

If you have any further questions about the Program, please contact Sandra Morey, Deputy Director, at (916) 653-6956 or email [smorey@dfg.ca.gov](mailto:smorey@dfg.ca.gov).

Sincerely,



John McCamman  
Director

Mr. Greg Suba  
January 12, 2011  
Page 3 of 3

cc: Department of Fish and Game  
Kevin Hunting, [khunting@dfg.ca.gov](mailto:khunting@dfg.ca.gov)  
Sandra Morey, [smorey@dfg.ca.gov](mailto:smorey@dfg.ca.gov)  
Katie Perry, [kperry@dfg.ca.gov](mailto:kperry@dfg.ca.gov)  
Glenda Marsh, [gmarsh@dfg.ca.gov](mailto:gmarsh@dfg.ca.gov)  
Neil Manji, [nmanji@dfg.ca.gov](mailto:nmanji@dfg.ca.gov)  
Scott Wilson, [swilson@dfg.ca.gov](mailto:swilson@dfg.ca.gov)  
Kent Smith, [ksmith@dfg.ca.gov](mailto:ksmith@dfg.ca.gov)  
Jeff Single, [jsingle@dfg.ca.gov](mailto:jsingle@dfg.ca.gov)

# EXHIBIT B



In Response Reply To:  
FWS/R8/CPP

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825



**JAN 27 2009**

Don Koch, Director  
California Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

Dear Mr. Koch:

As you know, California Department of Fish and Game (CDFG) annually receives approximately \$10 million in Wildlife Restoration grant funds and approximately \$20 million in Sport Fish Restoration grant funds. These funds are generated through Public Law 415 (Wildlife Restoration Act of 1937) and Public Law 681 (Sport Fish Restoration Act of 1950). Federal law also requires States receiving these grants to have "assent legislation" in place which prevents both federal grant funds and revenues from hunting and fishing licenses from being diverted for uses other than the State's fish and game resources and the administration of the State's Fish and Game agency. California Fish and Game Code Sections 400-401 provide such assent legislation.

An article in the Sacramento Bee (January 17, 2009) indicated the State proposes to borrow money from the Fish and Game Preservation Fund, which includes revenues from hunting and fishing licenses. The article alluded that California anticipates borrowing \$30 million from the Preservation Fund to go toward the General Fund. During a review of the State's proposed budget (January 7, 2009), we noted two potential diversions proposed for the Preservation Fund:

- 1) transfer of \$13,000 from the Lifetime License Trust Account, and
- 2) a \$30,000,000 loan to the General Fund

We are deeply concerned about any proposal to remove hunting and fishing license revenues from the Department of Fish and Game Preservation Fund. Such a diversion of hunting and fishing license revenue is cause for the State to be ineligible for Wildlife and Sportfish Restoration funds (\$30M). We need to ascertain from CDFG whether or not the proposed \$30 million loan to the State's General Fund is from sources other than hunting license and sport license fees.

California's eligibility to continue to receive funding under the Pittman-Robertson, Dingell-Johnson and WallopBreaux acts is contingent on the integrity of the license revenues. We will continue to work with you and your staff to assist in any way possible to retain the integrity of the

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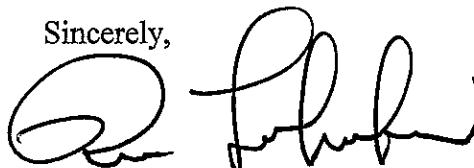


**JAN 29 2009**

**DFG  
DIRECTOR'S OFFICE**

license fees and the subsequent continuation of Restoration funding. Please do not hesitate to contact me at (916) 414-6469, or Laura Valoppi, Chief, Wildlife and Sport Fish Restoration Program, at (916) 414-6509 for additional information, assistance, or discussion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ren Lohoefer', written in a cursive style.

Ren Lohoefer  
Regional Director

cc: Mike Chrisman, CNRA  
Hannibal Bolton, USFWS  
Tom McCabe, USFWS  
Laura Valoppi, USFWS

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# EXHIBIT C

## **50 CFR Part 80**

**The below excerpts from the Code of Federal Regulations (CFR) explain how states may use revenue from hunting and fishing licenses. 50 CFR Part 80 was updated on August 1, 2011, and the updated regulations go into effect on August 31, 2011.<sup>1</sup>**

**The updated regulations confirm that using HIFF funds for THP review is appropriate because the HIFF Funds would be used for the very purpose that the federal regulations promote – “manag[ing] the agency and the fish- and wildlife-related resources for which the agency has authority under State law.”**

### **§ 80.1 What does this part do?**

This part of the Code of Federal Regulations tells States how they may:

- (a) Use revenues derived from State hunting and fishing licenses in compliance with the Acts.

### **§ 80.2 What terms do I need to know?**

*Diversion* means any use of revenue from hunting and fishing licenses for a purpose other than administration of the State fish and wildlife agency.

### **§ 80.10 Who is eligible to receive the benefits of the Acts?**

States acting through their fish and wildlife agencies are eligible for benefits of the Acts only if they pass and maintain legislation that:

- (a) Assents to the provisions of the Acts;
- (b) Ensures the conservation of fish and wildlife; and
- (c) Requires that revenue from hunting and fishing licenses be:
  - (1) Controlled only by the State fish and wildlife agency; and
  - (2) Used only for administration of the State fish and wildlife agency, which includes only the functions required to manage the agency and the fish- and wildlife-related resources for which the agency has authority under State law.

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<sup>1</sup> See *Financial Assistance: Wildlife Restoration, Sport Fish Restoration, Hunter Education and Safety*, 76 Federal Register 46,150 (August 1, 2011)

### **§ 80.11 How does a State become ineligible to receive the benefits of the Acts?**

A State becomes ineligible to receive the benefits of the Acts if it:

- (a) Fails materially to comply with any law, regulation, or term of a grant as it relates to acceptance and use of funds under the Acts;
- (b) Does not have legislation required at § 80.10 or passes legislation contrary to the Acts; or
- (c) Diverts hunting and fishing license revenue from:
  - (1) The control of the State fish and wildlife agency; or
  - (2) Purposes other than the agency's administration.

### **§ 80.21 What if a State diverts license revenue from the control of its fish and wildlife agency?**

The Director may declare a State to be in diversion if it violates the requirements of § 80.10 by diverting license revenue from the control of its fish and wildlife agency to purposes other than the agency's administration. The State is then ineligible to receive benefits under the relevant Act from the date the Director signs the declaration until the State resolves the diversion. Only the Director may declare a State to be in diversion, and only the Director may rescind the declaration.

# EXHIBIT D

**Gabe Tiffany - Biodiversity Cut**

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**From:** Gabe Tiffany  
**To:** Bright, Kealii  
**Date:** 10/14/2010 2:13 PM  
**Subject:** Biodiversity Cut  
**CC:** Silva, John

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Kealii,  
Sorry this took so long to get to you, and I'm not sure you even need it anymore now that there is a budget, but here it is...

The \$1.5 million reduction will require DFG to prioritize activities with the remaining funds in the THP program. As a result, DFG will eliminate participation in timber related activities in the Sierra and reduce our participation by more than half in other areas of northern California, leaving a small program on the California's north coast. Activities that will be eliminated include field and desk reviews of timber harvest plans to identify potential impacts to fish and wildlife and water quality, threatened and endangered species consultations, and coordination with CDF and the Board of Forestry.

>>> "Bright, Kealii" <Kealii.Bright@asm.ca.gov> 9/27/2010 9:40 AM >>>  
Hey guys,

I understand that there should be enough flexibility to apply the \$5 million biodiversity cut without incurring layoffs. Since this will be a pretty long HR process, what will be the programmatic impacts to the MLPA and THPs of the cut?

When this was heard in May, the Department indicated that these programs that are important to our members would be hit pretty hard from these reductions. Since "no layoffs" isn't the same as "no impact" I want to be able to give my members a realistic sense of what this cut will do.

Thanks,

Keali'i

**Keali'i Bright**  
*Consultant, Assembly Budget Committee*  
*Natural Resources, Environmental Protection and Transportation*  
*(916) 319-2099*

# **EXHIBIT E**

To: Mike Noonan, Unit Chief THP NO. 4-09-03/CAL-1 - Sugar Spring THP

From: Candace Gregory, Southern Region Chief

## \*\*\*\*\*SECTION I\*\*\*\*\*

## Review Team Recommendations:

PHI XX - Complete entire PHI form, Sections I-IV.  
PHI Optional      - Email Review Team Fresno ASAP if PHI is scheduled.  
Focused PHI      - Complete Sections I, III, and IV

**NOTE:** All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.

FIRST REVIEW DATE: May 19, 2009 FILING DATE: May 21, 2009PHI MUST BE CONDUCTED BETWEEN FILING DATE AND May 31, 2008DATE(s) PHI CONDUCTED: May 28, 2009 INSPECTION NO: 1PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT:      YES

REVIEW BASED UPON PREVIOUS VISIT: DATE

RPF: Daniel DeArmond (209) 223-7170 FIELD HOURS: 7 OFFICE HOURS: 10\*\*\*\*\*  
DFG REGION: 2 WQ REGION: 5A INSPECTOR: Tinsley

## AGENCIES REQUESTING TO ATTEND PHI:

Regional Water Quality Control Board: Department of Fish and Game Region:

Central Valley (Region 5)Rancho Cordova (Region 2)

     (916) 464-4630 Marty Hartzell  
     (916) 464-4820 Chris Cochran  
     (559) 445-6278 Anthony Toto

X (916) 358-2301 Rhianna Lee  
X (916) 358-2900 Tim Nosal  
     (916) 358-2916 Sandra Jacks

Lahontan (Region 6)Fresno (Region 4)

     (530) 542-5426 George Cella  
     (530) 542-5417 Doug Cushman

     (209) 588-1879 Dan Applebee  
     (559) 243-4014x238 Lisa Gymer

## REVIEW TEAM:

X Review Team Chair (559) 243-4153 Bill Solinsky  
X Forest Practice Manager (559) 243-4114 Mike Bacca  
     Archaeologist (559) 243-4119 Linda Pollack  
X Archaeologist (916) 261-1108 Gerrit Fenenga  
X Geologist (916) 322-4853 Bill Short

OTHER AGENCIES: Mark Stewart, EBMUD Phone: (530) 621-4100

Reviewed by: <u>WES</u>
Dist. by: <u>    </u>
Dist. Date: <u>    </u>
<input checked="" type="checkbox"/> RIV <u>FCY</u> PS
<input checked="" type="checkbox"/> FG <u>2</u> TO
<input checked="" type="checkbox"/> WQ <u>SA</u> TLO
ARCH LTO
<input checked="" type="checkbox"/> RPF <u>ED</u> DMG
INSP BOE
<input checked="" type="checkbox"/> OTHER <u>FTP</u>
FPS
Status: <u>PHI</u>

To: Mike Noonan, Unit ChiefTHP NO. 4-10-003/CAL-1 - Six Mix THPFrom: Mikel Martin, Southern Region Chief**\*\*\*\*\*SECTION I\*\*\*\*\*****Review Team Recommendations:**

PHI XX - Complete entire PHI form, Sections I-IV.  
PHI Optional      - Email Review Team Fresno ASAP if PHI is scheduled  
Focused PHI      - Complete Sections I, III, and IV

**NOTE: All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.**

FIRST REVIEW DATE: February 17, 2010 FILING DATE: February 18, 2010PHI MUST BE CONDUCTED BETWEEN FILING DATE AND March 1, 2010DATE(s) PHI CONDUCTED:                                      INSPECTION NO:                     PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT:      YESREVIEW BASED UPON PREVIOUS VISIT: DATE                     RPF: Daniel DeArmond (209) 223-7170 FIELD HOURS:      OFFICE HOURS:     

\*\*\*\*\*  
DFG REGION: 2 WQ REGION: 5A INSPECTOR: Tinsley

**AGENCIES REQUESTING TO ATTEND PHI:**Regional Water Quality Control Board:                      Department of Fish and Game Region:                     Central Valley (Region 5)Rancho Cordova (Region 2)

X (916) 464-4630 Marty Hartzell  
     (916) 464-4841 Robert Ditto  
     (559) 445-6278 Anthony Toto

X (916) 358-2301 Rhianna Lee  
X (916) 358-2900 Tim Nosal  
     (916) 358-2916 Sandra Jacks

Lahontan (Region 6)Fresno (Region 4)

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**REVIEW TEAM:**

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X Forest Practice Manager (559) 243-4114 Mike Bacca  
X Archaeologist (559) 243-4119 Linda Pollack  
X Archaeologist (916) 261-1108 Gerrit Fenenga  
X Geologist (916) 322-4853 Bill Short

OTHER AGENCIES: Mark Stewart, EBMUD Phone: (530) 621-4100

To: Mike Noonan, Unit ChiefTHP NO. 4-09-12/CAL-3 - Bill's Uncle THPFrom: Candace Gregory, Southern Region Chief

## \*\*\*\*\*SECTION I\*\*\*\*\*

## Review Team Recommendations:

PHI XX - Complete entire PHI form, Sections I-IV.  
PHI Optional        - Email Review Team Fresno ASAP if PHI is scheduled  
Focused PHI        - Complete Sections I, III, and IV

**NOTE: All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.**

FIRST REVIEW DATE: November 3, 2009 FILING DATE: November 9, 2009PHI MUST BE CONDUCTED BETWEEN FILING DATE AND November 19, 2009DATE(s) PHI CONDUCTED: November 17, 2009 INSPECTION NO: 1PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT:        YES

REVIEW BASED UPON PREVIOUS VISIT: DATE

RPF: Lance Purdy (209) 223-7170 FIELD HOURS: 8 OFFICE HOURS: 12\*\*\*\*\*  
DFG REGION: 2 WQ REGION: 5A INSPECTOR: Tinsley

## AGENCIES REQUESTING TO ATTEND PHI:

Regional Water Quality Control Board: Department of Fish and Game Region:

Central Valley (Region 5)Rancho Cordova (Region 2)

   (916) 464-4630 Marty Hartzell  
X (916) 464-4841 Robert Ditto  
   (559) 445-6278 Anthony Toto

X (916) 358-2301 Rhianna Lee  
X (916) 358-2900 Tim Nosal  
   (916) 358-2916 Sandra Jacks

Lahontan (Region 6)Fresno (Region 4)

   (530) 542-5426 George Cella  
   (530) 542-5417 Doug Cushman

   (209) 588-1879 Dan Applebee  
   (559) 243-4014x238 Lisa Gymer

## REVIEW TEAM:

X Review Team Chair (559) 243-4153 Bill Solinsky  
X Forest Practice Manager (559) 243-4114 Mike Bacca  
X Archaeologist (559) 243-4119 Linda Pollack  
X Archaeologist (916) 261-1108 Gerrit Fenenga  
X Geologist (916) 322-4853 Bill Short

OTHER AGENCIES: Mark Stewart, EBMUD Phone: (530) 621-4100

Reviewed by: <u>WPS</u>	
Dist. by: <u>AKJ</u>	
Dist. Date: <u>11/24</u>	
<input checked="" type="checkbox"/> RUI	<input type="checkbox"/> TCV
<input checked="" type="checkbox"/> FG	<input type="checkbox"/> 2
<input checked="" type="checkbox"/> WO	<input type="checkbox"/> SA
<input checked="" type="checkbox"/> ARCH	<input type="checkbox"/> LTO
<input checked="" type="checkbox"/> INSP	<input type="checkbox"/> BOE
OTHER: <u>  </u>	
FPS: <u>  </u>	
Status: <u>PHI</u>	

## THE RESOURCES AGENCY

THP NO. 4-10-012/CAL-3 - Lily THP

# **EXHIBIT F**

## THE RESOURCES AGENCY

THP NO. 4-10-020/CAL-6 - Wilson Lake THP

From: Mikel Martin, Southern Region Chief

\*\*\*\*\*SECTION I\*\*\*\*\*

### Review Team Recommendations:

PHI	<u>XX</u>	- Complete entire PHI form, Sections I-IV.
PHI Optional	<u>      </u>	- Email Review Team Fresno ASAP if PHI is scheduled
Focused PHI	<u>      </u>	- Complete Sections I, III, and IV

NOTE: All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.

FIRST REVIEW DATE: December 7, 2010      FILING DATE: December 10, 2010

PHI MUST BE CONDUCTED BETWEEN FILING DATE AND December 20, 2010

DATE(S) PHI CONDUCTED: INSPECTION NO:

PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT: YES

REVIEW BASED UPON PREVIOUS VISIT: DATE

RPF: Daniel DeArmond (209) 223-7170 FIELD HOURS: OFFICE HOURS:

\*\*\*\*\*

DFG REGION: 2 WQ REGION: 5A INSPECTOR: Frese

AGENCIES REQUESTING TO ATTEND PHI:

Regional Water Quality Control Board: Department of Fish and Game Region:

Central Valley (Region 5)

Rancho Cordova (Region 2)

X (916) 464-4630 Marty Hartzell  
 (916) 464-4841 Robert Ditto  
 (559) 445-6278 Anthony Toto

(916) 358-2301 Rhianna Lee  
 (916) 358-2900 Tim Nosal  
 (916) 358-2916 Sandra Jacks

Lahontan (Region 6)

Fresno (Region 4)

\_\_\_\_ (530) 542-5426 George Cella  
(530) 542-5417 Doug Cushman

\_\_\_\_ (209) 588-1879 Dan Applebee  
(559) 243-4014x238 Lisa Gymer

**REVIEW TEAM:**

<u>X</u>	Review Team Chair	(559) 243-4153	Bill Solinsky
	Forest Practice Manager	(559) 243-4114	Mike Bacca
<u>X</u>	Archaeologist	(559) 243-4119	Linda Pollack
<u>X</u>	Archaeologist	(916) 261-1108	Gerrit Fenenga
<u>X</u>	Geologist	(916) 322-4853	Bill Short
<u>X</u>	Geologist	(916) 327-2903	Cheryl Hayhurst

**OTHER AGENCIES:** Kent Lambert, EBMUD Phone; klambert@EBMUD.com

To: Mike Noonan, Unit Chief

THP NO. 4-11-008/CAL-1 - Blueberry THP

From: Dale Hutchinson, Southern Region Chief

\*\*\*\*\*SECTION I\*\*\*\*\*

### Review Team Recommendations:

PHI	<u>XX</u>	- Complete entire PHI form, Sections I-IV.
PHI Optional	<u>      </u>	- Email Review Team Fresno ASAP if PHI is scheduled
Focused PHI	<u>      </u>	- Complete Sections I, III, and IV

NOTE: All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.

FIRST REVIEW DATE: May 3, 2011 FILING DATE: May 6, 2011

PHI MUST BE CONDUCTED BETWEEN FILING DATE AND May 16, 2011

DATE (s) PHI CONDUCTED: INSPECTION NO:

PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT: YES

REVIEW BASED UPON PREVIOUS VISIT: DATE

RPF: Frank Mulhair (209) 223-7170 FIELD HOURS: OFFICE HOURS:

\*\*\*\*\*  
 DFG REGION: 2 WQ REGION: 5A INSPECTOR: Frese

AGENCIES REQUESTING TO ATTEND PHI:

Regional Water Quality Control Board:  
Central Valley (Region 5)

Department of Fish and Game Region:  
Rancho Cordova (Region 2)

X (916) 464-4630 Marty Hartzell  
 (916) 464-4820 Chris Cochran  
 (559) 445-6278 Anthony Toto

(916) 358-2301 Rhianna Lee  
 (916) 358-2900 Tim Nosal  
 (916) 358-2916 Sandra Jacks

Lahontan (Region 6)

Fresno (Region 4)

\_\_\_\_ (530) 542-5426 George Cella  
\_\_\_\_ (530) 542-5417 Doug Cushman

(209) 588-1879 Dan Applebee  
 (559) 243-4014x238 Lisa Gymer

REVIEW TEAM:

X	Review Team Chair	(559) 243-4153	Bill Solinsky
	Forest Practice Manager	(559) 243-4114	Mike Bacca
X	Archaeologist	(559) 243-4119	Linda Pollack
X	Archaeologist	(916) 261-1108	Gerrit Fenenga
X	Geologist	(916) 322-4853	Bill Short
X	Geologist	(916) 327-2903	Cheryl Hayhurst

OTHER AGENCIES: Kent Lambert, EBMUD Contact; klambert@EBMUD.com  
 PHI-EZ Version 8.2 (2/04/99)

To: Brian Kirk, Unit Chief

THP NO. 4-11-014/CAL-2 - Porkchop THP

From: Dale Hutchinson, Southern Region Chief

\*\*\*\*\*SECTION I\*\*\*\*\*

### Review Team Recommendations:

PHI	<u>XX</u>	- Complete entire PHI form, Sections I-IV.
PHI Optional	<u>      </u>	- Email Review Team Fresno ASAP if PHI is scheduled
Focused PHI	<u>      </u>	- Complete Sections I, III, and IV

NOTE: All responses to the preharvest inspection and the preharvest inspection report are due at Southern Region Office no later than the Friday before the second review. Please e-mail completed form to FresnoReviewTeam@fire.ca.gov. If this cannot be accomplished, it is the inspector's responsibility to contact the RPF and secure an extension and notify the Southern Region Office of the extension.

FIRST REVIEW DATE: August 23, 2011 FILING DATE: August 25, 2011

PHI MUST BE CONDUCTED BETWEEN FILING DATE AND September 4, 2011

DATE (s) PHI CONDUCTED: INSPECTION NO:

PHI/DIRECTORS DETERMINATION DATE EXTENDED BY MUTUAL CONSENT: YES

REVIEW BASED UPON PREVIOUS VISIT: DATE

RPF: Daniel DeArmond (209) 223-7170 FIELD HOURS: OFFICE HOURS:

\*\*\*\*\*

DFG REGION: 2 WQ REGION: 5A INSPECTOR: Bray

AGENCIES REQUESTING TO ATTEND PHI:

**Regional Water Quality Control Board:**  
Central Valley (Region 5)

Department of Fish and Game Region:  
Rancho Cordova (Region 2)

X (916) 464-4630 Marty Hartzell  
 (916) 464-4820 Chris Cochran  
 (559) 445-6278 Anthony Toto

\_\_\_\_\_ (916) 358-2301 Rhianna Lee  
 \_\_\_\_\_ (916) 358-2900 Tim Nosal  
 \_\_\_\_\_ (916) 358-2916 Sandra Jacks

Lahontan (Region 6)

Fresno (Region 4)

\_\_\_\_ (530) 542-5426 George Cella  
(530) 542-5417 Doug Cushman

\_\_\_\_ (209) 588-1879 Dan Applebee  
(559) 243-4014x238 Lisa Gymer

REVIEW TEAM:

<u>X</u>	Review Team Chair	(559) 243-4153	Bill Solinsky
<u>X</u>	Assist. Review Specialist	(559) 243-4114	Peter Leuzinger
	Archaeologist	(559) 243-4119	Linda Pollack
<u>X</u>	Archaeologist	(916) 261-1108	Gerrit Fenenga
<u>X</u>	Geologist	(916) 322-4853	Bill Short
<u>X</u>	Geologist	(916) 327-2903	Cheryl Hayhurst

**OTHER AGENCIES:** Kent Lambert, EBMUD Contact; klambert@EBMUD.com

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